



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Office of Conservation and Coastal Lands
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LAND
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REF:OCCL:MC

Celia Shen
99-061 Koaha Way, Suite 208
Aiea, HI 96701

CDUA: HA-3715
Acceptance Date: July 10, 2014
180-Day Exp. Date: January 6, 2015
JUL 14 2014

Dear Ms. Shen,

**NOTICE OF ACCEPTANCE and
ENVIRONMENTAL DETERMINATION**

**Conservation District Use Application (CDUA) File No. HA-3715
(BOARD Permit)**

This acknowledges the receipt and acceptance for the processing of your client's CDUA for a Single Family Residence (SFR) and a subdivision located at Pohoiki in Puna, Hawai'i, TMK (3) 1-3-008:034. The 35.547 acre parcel is in the Resource Subzone of the State Land Use Conservation District.

Pohoiki is a small 1000-foot long bay located approximately three miles south of Kapoho. Isaac Hale County Beach Park, established in 1951 in honor of a local soldier killed in the Korean War, occupies the northeastern bay's northeastern cape. Lae o Kahuna, the bay's southwestern cape, is undeveloped.

The subject parcel runs along the shore from Isaac Hale to Lae o Kahuna, and slopes gently mauka from the shoreline to the Kapoho-Kalapana Road. A 0.411 exclusion lot, TMK (3) 1-3-008:013, is located entirely within the parcel. A 16-foot wide easement through the property extends makai from the road to the exclusion lot. A warm spring is located along the southwestern makai portion of the parcel.

There are no archaeological or written records regarding the pre-contact population of Pohoiki; the first historical record appears in 1846 in the journals of Chester Lyman. The area has remained mostly undeveloped except for a 23 year period of commercial development under Robert Rycroft. Rycroft's ventures between 1877 and 1899 included shipping 'awa to the United States for medicinal uses, a 9000-acre cattle operation, a sawmill at Pohoiki landing that sold "all the hardwood used in public works," including the 'ohi'a paving blocks for Honolulu's streets, and 35 acres of coffee and a "coffee factory." Rycroft also funded improvements at Pohoiki Landing to support his commercial ventures, although the original landing was destroyed by a tsunami in August 1885. The commercial activity appears to have ended when Rycroft moved to Honolulu in 1899.

There are a number of existing structures on the parcel. These include:

- The remnants of the Rycroft Coffee Mill. This was renovated and converted into a single family residence beginning in 2004. The work was done without a permit, and on January 24, 2014 the Board of Land and Natural Resources found the landowner in violation of Conservation District Rules (file no: Enf HA-08-26). One of the conditions for resolving the violation is that the landowner file an after-the-fact CDUA for the conversion, or to return the use to a coffee mill.

- A 552 square-foot caretaker's cottage constructed in 2010. Conservation District rules only allow for one residence on any legal lot of record, and the applicant has agreed to remove this structure by July 31, 2014.
- The remnants of an old piggery. The existing low walls have been covered with a corrugated metal shed roof, and the site has been incorporated into the caretaker's cottage. The applicant will remove the additions at the same time that the caretaker's cottage is removed.
- A 1000 square foot free standing shade structure adjacent to the piggery.
- Four other shade structures of 400, 480, 720, and 700 square feet each.
- A 48 square foot chicken coop and a 24 square foot generator building.

The current application is for an after-the-fact permit for the conversion of the coffee mill to a residence, and for the subdivision of the property into two parcels. An 8.75 acre portion will be retained by the applicant, and the remainder will be acquired by the County for incorporation into Isaac Hale Beach Park.

The applicant estimates that the current developed area of the converted mill is 7,378 square feet. This figure includes the original mill and recent additions. The height of the structure to the roof ridge is 29 feet. While this is above the maximum set in Hawai'i Administrative Rules (HAR) Chapter §13-5, its profile and height mimic the historic roofline.

The applicant proposes two alternatives for reducing the developed area of the structure in order to bring into conformance with the single family design standards contained in HAR §13-5.

The first alternative is to seal off the first floor of the mill, which they calculate will remove 2560 square feet from the developed area and bring the final developed area to 4818 square feet (4737 square feet of habitable space plus an 81 square-foot smoke stack).

The second alternative, which the applicant believes will better preserve the architectural integrity of the historic structure, will be to remove the concrete floor on the lower level and to remove all interior stairways. In this way the lower level would no longer be habitable space, although the applicant wishes to retain the use of this area as a storage area. The total habitable space of the residence would be 4737 square feet.

The County of Hawai'i has initiated the process to subdivide the property. The proposal will result in two lots consisting of 8.785 acres (Lot 26-A) and 26.782 acres (Lot 26-B). The County intends to acquire the larger parcel through its Public Access, Open Space, and Natural Resources Preservation Fund. Any proposed improvements that the County proposes for the acquired parcel will be the subject of a future CDUA.

After reviewing the application, the Department finds that:

1. The proposed conversion of the mill to a single family residence is an identified land use in the Resource subzone of the Conservation District, pursuant to HAR §13-5-24 R-8, SINGLE FAMILY RESIDENCE (D-1), *A single family residence that conforms to design standards as outlined in this chapter*. This use requires a permit from the Board of Land and Natural Resources, who have the final authority to grant, modify, or deny any permit.
2. The proposed subdivision is an identified land use in the Protective subzone of the Conservation District pursuant to HAR §13-5-22 P-10 SUBDIVISION OR CONSOLIDATION OF PROPERTY (C-1) *Subdivision of property into two or more legal lots of record that serves a public purpose and is consistent with the objectives of the subzone*. This use also requires a permit from the Board of Land and Natural Resources.
3. Pursuant to §13-5-40, a Public Hearing will not be required.

4. The proposed improvements are identified as exempt pursuant to §11-200-8 *Exempt classes of action*, 4) Minor alterations in the conditions of land, water, or vegetation. OCCL is basing this exemption on the fact that the physical alterations to the existing structure will be primarily internal, that there will be no increase in the structures footprint, and that the proposal does not involve any ground disturbance or removal of the area's natural resources.
5. It is the applicant's responsibility to comply with the provisions of Hawaii's Coastal Zone Management law (HRS Chapter 205A) pertaining to the Special Management Area (SMA) requirements administered by the various counties.

Upon completion of the application review process, your client's CDUA will be placed on the agenda of the Board of Land and Natural Resources for their consideration. Should you have any questions regarding this application, please contact Michael Cain of our Office of Conservation and Coastal Lands Staff at 587-0048.

Sincerely,



William J. Aila, Chairperson
Department of Land and Natural Resources

c: *Hawai'i Board Member*
Office of Hawaiian Affairs
OEQC / DOH
DLNR – Land Division, Historic Preservation, DOFAW, DOCARE
County of Hawai'i Department of Planning
Hawai'i State Library; Keaau Public Library